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ABSTRACT: Bill Cosby's immorality has raised intriguing aesthetic and ethical issues. Do the crimes that he has been convicted of lessen the aesthetic value of his stand-up and, even if we can enjoy it, should we? This article first discusses the intimate relationship between the comedian and audience. The art form itself is structurally intimate, and at the same time the comedian claims to express an authentic self on stage. After drawing an analogy between the question of the moral character of comedians and the aesthetic value of their stand-up and the debate over the ethical criticism of art, this article argues that it is reasonable to find a comedian's performance less funny, because stand-up's artistic success relies on this intimacy. It contrasts the comedy of Bill Cosby with that of Louis C.K., whose moral flaws are much more present in his comedy, and it is therefore more difficult to find him funny. Last, it is ethically permissible to enjoy their comedy, if no harm to others results, both because it does not corrupt the audience's character and because amusement is valuable.

KEYWORDS: Cosby, Louis C.K., ethical criticism of art, stand-up, moral philosophy

Bill Cosby is a convicted serial sexual predator. That is a very difficult thought for many to accept. For the generations of Americans who listened to his albums and watched the landmark series *The Cosby Show*, Bill Cosby was the exemplar of morally upright fatherhood and clean, family-based humor. He shaped a generation of comedians and drove the 1980s televised comedy boom. Though his respectability politics rankled some, he still stood as a moral exemplar and inspiration for countless members of the African American community. To the vast majority of Americans, the idea that this man could also engage in a decades-long series of horrific sexual assaults was inconceivable.

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But the facts are beyond reasonable dispute. More than sixty women have come forward to accuse and testify, revealing a sociopathic pattern of abusing his authority and fame. He put aspiring actresses and models into vulnerable positions, drugged them, and sexually assaulted them while they were unconscious or in a haze. The survivors were then pressed into silence either directly or through fear that they would be disbelieved or their careers would be derailed. Multiple women recalled being bloodied by the violence of it. Cosby assaulted Victoria Valentino while she was grieving the death of her six-year-old child. Patricia Steuer, one of the few to confront him directly, was dismissed as ungrateful. When Beverly Johnson resisted him after being drugged, he yanked her down a flight of stairs by the neck. Even when the sex was generally consensual, as with his girlfriend Beth Ferrier, he would still drug and assault her. He asked others to pretend to be intoxicated even when they were not, revealing that the drugs were not merely a means of but also a fetish for control. And through it all, he was acquiring Grammy, Emmy, and Golden Globe awards, great wealth, honorary degrees, induction into the television hall of fame, and the Kennedy Center honors. He was transforming American comedy and television and providing a strong and inspiring image of the virtually unrepresented black middle class. He was the face of Jell-O pudding pops and Coca-Cola.[1]

Given the extensive testimony and court conviction, one moral issue is settled: Bill Cosby, beloved TV father to all and moral authority within the African American community, is evil. However, significant philosophical questions remain regarding the relation between art and ethics and between the artist and the art. In the wake of these revelations, there has arisen a

1 Kyle Kim, Christina Littlefield, and Melinda Etehad, "Bill Cosby: A 50-Year Chronicle of Accusations and Accomplishments," *Los Angeles Times,* June 17, 2017 latimes.com/entertainment/la-et-bill-cosby-timeline-htmlstory.html; Manuel Roig-Franza et. al., "Bill Cosby's Legacy, Recast: Accusers Speak in Detail about Sexual-Assault Allegations," *Washington Post*, November 22, 2014 washingtonpost.com/lifestyle/style/bill-cosbys-legacy-recast-accusers-speak-in-detail-about-sexual-assault-allegations/2014/11/22/d7074938-718e-11e4-8808-afaa1e3a33ef_story.html; Graham Bowley and Jon Hurdle, "Bill Cosby Is Found Guilty of Sexual Assault," *New York Times*, April 26, 2018 nytimes.com/2018/04/26/arts/television/bill-cosby-guilty-re-trial.html. For an in-depth radio series following the trial against the backdrop of Cosby's cultural impact, see Philadelphia radio station WHYY's *Cosby Unraveled*.

wide conversation about his legacy and that of other morally vicious artists. Many in the comedy community have argued that it is wrong to celebrate Cosby's humor. To do so would be to ignore his crimes and to perpetuate the suffering felt by his victims and those who once respected him. At the very least, those who love(d) his comedy are deeply conflicted, wondering if enjoying it makes them complicit in his wrongdoing, if by laughing they implicitly endorse his evil, or whether laughter is even possible while knowing what they know about him. Is he still funny? In this article, I examine the relation between the moral character of comedians and the aesthetic value of their stand-up comedy.

Surprisingly, this relationship has received little philosophical analysis. It is surprising for two reasons. First, every time an artist accused of sexual predation releases a new work, a conversation ensues that echoes arguments that go back centuries, arguments over the ethics of reading controversial authors like Lord Byron and Oscar Wilde and the rightness of enjoying Aristophanes's vulgar comedies. In informal, nonphilosophical conversations, audiences express their sense of betrayal and are concerned with the ethical rightness of enjoying the work of Cosby, Woody Allen, Roman Polanski, and Louis C.K., among others. Second, philosophers are deeply interested in the relation between moral and aesthetic judgments of works of art.[2] Oceans of ink have been spilled articulating moralism, autonomism, and every stance in-between, but little has been dedicated to the relation between moral judgments of the artist and aesthetic judgments of their work (much less in the case of comedy). Philosophers have asked whether the seeming immorality of a given artwork expresses the genuine attitudes of the artist, but they have not really investigated whether or why that matters to the evaluation of the artwork. And those who have directly addressed this issue in connection

2 The discussion surrounding the ethical criticism of art is extensive, but two valuable surveys of the debate over the ethical criticism of art as of the turn of the millennium are Berys Gaut, "The Ethical Criticism of Art," in *Aesthetics and Ethics: Essays at the Intersection*, ed. Jerrod Levinson (Cambridge: Cambridge University Press, 1998), 182-203; and Noel Carroll, "Art and Ethical Criticism: An Overview of Recent Directions of Research," *Ethics* 110, no. 2 (2000): 350-87. I refer to further texts on the ethical criticism of art generally and of humor in particular in subsequent notes.

with Cosby and other morally questionable stand-up comedians have not provided many answers.[3]

Let me clarify the structure of the following argument. I first discuss the intimate nature of the relationship between comedians and audience. Stand-up is a structurally intimate art form, and most comedians claim to express their authentic self on stage. Having sketched this relation, I turn to the aesthetic questions of whether and why awareness of comedians' immorality influences our estimation how funny their comedy is. I argue that it is reasonable to find jokes less funny because the stand-up comedian's artistic success relies on feeling this intimacy with the person on stage. After comparing the question of the aesthetic value of the work of a morally compromised stand-up comedian to the debate over the ethical criticism of art, I contrast the comedy of Bill Cosby with that of Louis C.K. The latter's moral flaws are much more present in his stand-up comedy, and it is therefore more difficult to find him funny once we know of his immorality. Next, I raise the issue of whether it is morally permissible to enjoy the comedy of immoral comedians. I argue that it is morally permissible to enjoy their comedy, if no harm to others results, both because it does not corrupt the audience's character and because amusement is valuable.

Stand-Up as an Intimate Art Form

Almost all who have commented on Cosby's and C.K.'s moral violations have described feeling betrayed.[4] That describes my own experience. Through

3 There are some exceptions. For example, in the wake of the Louis C.K. revelations, a number of philosophers contributed to a symposium titled "Philosophers on the Art of Morally Troubling Artists." Of these, the best for present purposes are Eva Dadlez, "Flaws, Aesthetic and Moral," Shen-Yi Liao, "Non-Aesthetic Reasons for Engaging with a Work," and Stephanie Patridge, "Some Thoughts on Art, Appreciation, and Masturbation," all at *DailyNous.com*, November 21, 2017, dailynous.com/2017/11/21/philosophers-art-morally-troubling-artists.

4 For examples of the public conversation about Cosby's comedic legacy, the sense of betrayal, and the difficulty of appreciating his humor given his sexual predation, see Kevin Fallon, "Is It Okay to Laugh at Bill Cosby? 'The Carmichael Show' Asks the Taboo Question," *Daily Beast*, March 13, 2016, thedailybeast.com/is-it-ok-to-laugh-at-bill-cosby-the-carmichael-show-asks-the-taboo-question; Wesley Morris, "How to Think About Bill Cosby and 'The Cosby Show,'" *New York Times*, June 18, 2017, nytimes.com/2017/06/18/arts/television/how-to-think-

my childhood, Bill Cosby was the fatherly embodiment of comedy. I would scrounge together whatever couch change I could manage and scour the used cassettes at Dallas-area flea markets in an attempt to complete my collection of Cosby albums. Cosby's stories of playing childhood games of buck buck, walking home from scary movies, or serving chocolate cake for breakfast were burned into my brain. I watched or listened to *Himself* (1983) on a loop. My father also had many of Cosby's albums, and I repeatedly asked him to tell me the story of the time he saw Cosby do stand-up in a venue that was empty because people who had been planning to go to the show were scared off by a Texas ice storm. It is now difficult to listen to his albums and enjoy them like before. But in what sense were fans like me betrayed? Cosby and C.K. are moral agents, and we should rightly condemn them for abandoning their moral obligations to others, but in what sense have they, as comedians, violated our trust? What obligation does the comedian have other than to be funny?

This sense of betrayal speaks to an aspect of stand-up comedy that makes it different from many other art forms: the intimacy cultivated by comedians as they talk directly to us seemingly as themselves. Two provisos: first, I am not suggesting that stand-up comedy is the only art form in which there is little mediation between the artist and the audience, as there are others such as autobiographical literature, certain performance artworks, and creative nonfiction. Second, many people will find it hard to enjoy artworks made by deplorable people even in the case of less immediate art forms. However, it is no coincidence that the conversation about Cosby's character and comedy has focused on the audience members' feeling that they had been betrayed by someone they felt they knew.

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about-bill-cosby-and-the-cosby-show.html; Robert Ham, "How to Approach Bill Cosby's Comedy Legacy," *Paste*, June 23, 2017, pastemagazine.com/articles/2017/06/bill-cosbys-comedy-legacy.html, Tyler Coates, "Is It Still Okay to Watch *The Cosby Show*?," *Decider*, November 12, 2014, decider.com/2014/11/12/is-it-still-okay-to-watch-the-cosby-show; Bambi Haggins, "Losing Cosby," *Flow*, October 26, 2015, flowjournal.org/2015/10/losing-cosby; Justin Worland, "Ask an Ethicist: Can I Still Watch 'The Cosby Show'?," *Time.com*, November 21, 2014, time.com/3599394/bill-cosby-accusers-cosby-show-fans; and Zeba Blay, "I Re-Watched *The Cosby Show* and It Was Brutal," *Huffington Post*, January 9, 2017, huffpost.com/entry/rewatching-the-cosby-show-is-brutal_n_568abf1ee4b014efe0db1eb6.

Stand-up is structurally intimate. In almost all cases, the performance arrangement is minimal. Comedians stand in front of an audience on a stage that is empty of all but a microphone and maybe a stool. Comedians then claim to state what they believe and, indirectly, what they find to be funny. Many books on stand-up comedy bear the same image on the cover—a microphone. The microphone mediates comedians' voices, but even this mediation enhances the intimacy because they do not need to raise their voice over ambient noise and can speak even in a whisper. They are speaking directly to us, even when we listen to an album or watch a performance.[5] While many rightly find Roman Polanski's statutory rape and flight from conviction to be deeply wrong, the fact that he is a filmmaker makes it easier to distinguish the artist from the art. The film may or may not express the director's vision or personal beliefs, but whether it does or not, the audience is relating primarily to the work and not to Polanski himself. In stand-up, the artists are inescapable. There is no art object other than themselves and their performance. There is no script except the one they have written in their own voice.

Further, comedians must establish trust and likeability to be effective. Because they are immediately before their audience, it is essential that they not alienate them. Connection with the audience is a delicate thing to negotiate and critical to a successful set. Professional guides to success in stand-up emphasize the need to build rapport and provide techniques for gaining it. Cosby was a master of building such intimacy. Even as the editors of *Paste* magazine were explaining the exclusion of Cosby from their list of greatest comedians because of his crimes, they wrote, "Stand-up comedy feels, even when the person is talking with a few hundred or a few thousand people, very intimate. That's what made *Himself* so great: you felt like you were being talked to directly, being personally let in on these opinions and anecdotes."[6] Even comedians such as Anthony Jeselnik and Don Rickles who cultivate a jerk persona work to be liked. Part of the humor is how they push the audience away only to draw them back in, perhaps against their will. Jeselnik leans into this by joking about truly horrific topics such as

5 For a much more detailed analysis of the structure of this interaction, see Ian Brodie, *A Vulgar Art: A New Approach to Stand-Up Comedy* (Jackson: University Press of Mississippi, 2014). Not coincidentally, the cover image is a microphone.

6 Ham, "How to Approach Bill Cosby's Comedy Legacy."

rape, incest, and genocide all while self-consciously playing a sociopath. Nevertheless, he does so with a twinkle in his eye. Rickles's audiences find him endearing and come to his shows praying that they will be the target of his insults. There is humor in testing the limits of likeability, but comedians very rarely strive to "walk the room," their term for causing an audience to walk out.

Stand-up comedy is also an intimate art form because comedians regularly assert that they are expressing their own personalities on stage. While stand-up does not aspire to accuracy, it does aspire to truth. What is the difference? Comedians do not say things that are literally true. They certainly exaggerate if not indulge in outright fantasies. Any audience that takes a moment to reflect will admit that the events being described did not happen. Cosby's Fat Albert did not literally weigh two thousand pounds. Louis C.K. did not literally masturbate between the falling of the two towers on September 11 (one hopes). And even if the events in the joke did take place, they certainly did not happen exactly as described. Cosby may have given his children chocolate cake for breakfast one morning, upsetting his wife, but it is very unlikely the children sang his praises in unison, and it is impossible that fire shot from her eye sockets.

Even if what comedians say is not accurate, we still take their words to be true in the sense that they are authentically expressing themselves. Cosby is genuinely expressing his beliefs about families and Louis C.K. is genuinely speaking to his (and our) vile, sexual nature in ways that they hope we will find funny. There is an implicit assertion that they are presenting themselves to us, even if they are saying things that are literally untrue. Sometimes, the assertion is explicit. A comedian might pause and say "This is absolutely true. This actually happened to me" when riffing on some crazy event, and comedians often describe what they do as "speaking their truth" or "speaking truth to power." Practicing comedians are frequently deeply committed to the truthfulness as authenticity of their humor. The audience has been told "This is who I am." It then makes sense that an audience member will feel betrayed when his or her favorite comedian is revealed to be immoral.

However, there is a complication. As noted, comedians do not literally express their beliefs. In fact, they may not be expressing their authentic selves at all. Anthony Jeselnik is not actually a sociopath, and Bill Cosby is not actually a kind man. The persona on stage with whom the audience feels a bond

may or may not be the actual person, and it is difficult to determine the extent to which we see the authentic person, but the persona is almost never entirely authentic. Our sense of betrayal when we find that the persona is not authentic and that the actual person behind it is immoral is always a function to some extent of our self-deception. At the same time, while a comedian's authenticity is performed, it is rarely mere performance. Since the 1950s, stand-up comedy has been progressively purged of stand-ups who perform as a character, George Carlin's "Hippy-Dippy Weatherman," Andrew Dice Clay's "Diceman," and Dan Whitney's "Larry the Cable Guy" notwithstanding.[7] The heavy presumption among the audience and the heavy expectation among fellow comedians is that the line between the person and their persona is minimal.

Are Terrible People Less Funny? The Relation Between Aesthetic and Moral Judgments of Jokes

Having established the intimacy of the relationship between comedians and their audiences, let us turn directly to the first philosophical question: should comedians' immoral character lessen the audience's aesthetic appreciation of their comedy, or put another way, are immoral comedians' jokes less funny? In the next section, I take up the question of whether audiences who do find such jokes funny have a moral obligation not to. While a common debate in aesthetics regards the relation between aesthetic and moral judgments of an artwork and therefore is not quite what I am discussing here, there is a lot to be learned from that debate. It is not possible or necessary to recount the entire debate here, but I quickly map the territory.[8]

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7 Kliph Nesteroff, *The Comedians: Drunks, Thieves, Scoundrels and the History of American Comedy* (New York: Grove, 2015), especially chapter 7.

8 Texts specifically on the ethical criticism of humor include Berys Gaut, "Just Joking: The Ethics and Aesthetics of Humor," *Philosophy and Literature* 22, no. 1 (1998): 51-68; Aaron Smuts, "Do Moral Flaws Enhance Amusement?," *American Philosophical Quarterly* 46, no. 2 (2009): 151-62 and "The Salacious and the Satirical: In Defense of Symmetric Comic Moralism," *Journal of Aesthetic Education* 47, no. 4 (2013): 45-63; Noel Carroll, "Ethics and Comic Amusement," *British Journal of Aesthetics* 54, no. 2 (2014): 241-53; Scott Woodcock, "Comic Immoralism and Relatively Funny Jokes," *Journal of Applied Philosophy* 32, no. 2 (2015): 203-16, and Nathaniel Sharadin, "In Defense of Comic Pluralism," *Ethical Theory and Moral Practice* 20, no. 2 (2017): 375-92.

In rough outline, the extremes are moralism and autonomism. Moralism holds that the aesthetic value of a work directly corresponds to its moral value. Moralists like Plato and Leo Tolstoy argue that the true, the good, and the beautiful are intrinsically linked. For Plato and the many who embrace a mimetic theory of art, the purpose of art is to represent an ideal reality. Art that depicts immorality corrupts the reason and character of its audience and is thereby bad, both aesthetically and morally. Tolstoy argues that art's essence is the communication or infection of feeling that establishes a community of those bound by that feeling. He condemns his contemporary artists for infecting others with feelings of pride, lust, and ennui when their art instead ought to connect them to God and fellow people through loving brotherhood. At the other extreme, autonomism holds that aesthetic and moral value are radically distinct and that it is inappropriate to judge artworks by moral standards. Oscar Wilde's introduction to *The Portrait of Dorian Gray* offers a classic statement of autonomism. Wilde asserts that art makes use of truths and lies or virtues and vices in the service of art itself. Art, he argues, is literally useless, serving no purpose other than its own internal development. In the context of humor, the moralist holds that a joke is funny only if it expresses morally right attitudes, while the autonomist holds that we should set aside moral questions, admit that the comedian is "just joking," and ask ourselves only whether the joke is funny.

Both positions are limited. It is not necessary for an artwork to be morally uplifting for it to succeed as an artwork (nor, of course, is it sufficient). While wickedness is neither necessary nor sufficient for a joke to be funny, great humor is frequently mean, mocking, vulgar, and/or exclusionary while morally uplifting humor is frequently bland. Autonomism likewise has drawbacks. For example, satire is intrinsically normative; it succeeds when it strikes those who deserve it and seems just cruel and unfunny when it does not. Therefore, the aesthetic evaluation of some comedy necessarily goes hand-in-hand with the audience's moral judgment of the joke's target. Further, even when it is theoretically possible to separate aesthetic and moral judgments of jokes, it is unreasonable to expect most audiences to effect such a distinction.

Two middle positions are helpful: Berys Gaut's ethicism and Noel Carroll's moderate moralism. The ethicist's central contention is that "the ethical assessment of attitudes manifested by works of art is a legitimate aspect of the aesthetic evaluation of those works, such that, if a work manifests

ethically reprehensible attitudes, it is to that extent aesthetically defective, and if a work manifests ethically commendable attitudes, it is to that extent aesthetically meritorious."[9] The ethicist refrains from judging jokes and other artworks simply in terms of their moral value. Instead, Gaut maintains that moral flaws constitute aesthetic flaws and moral virtues constitute aesthetic virtues, drawing on what is known as the "merited response argument," which Daniel Jacobson nicely summarizes as follows:

1. Immoral art expresses a pernicious ethical perspective, which involves calling for attitudes and feelings it would be wrong to have, even in imagination (call these unethical responses).
2. Unethical responses are never merited.
3. It is an aesthetic flaw for a work of art to call for an unmerited response.
4. Therefore, immoral art is aesthetically flawed.[10]

Consider Amy Schumer's inflammatory joke from *Cutting* (2012): "I used to date Hispanic guys, but now I prefer consensual." This joke, it could be argued, manifests an unethical, racist attitude toward Hispanic men. It ostensibly invites us to feel prejudiced against Hispanic men, but an audience should never take up such an unethical attitude, and no joke can provide good reason to do so. "To illustrate: a comedy presents certain events as funny (prescribes a humorous response to them), but if this involves being amused at heartless cruelty, we have reason not to be amused. Hence, the work's humor is flawed, and that is an aesthetic defect in it."[11] Gaut's claim is that ethical flaws (or virtues) are then necessarily aesthetic flaws (or virtues).

This is too strong of a claim. What merits laughter is not the same as what merits moral approval. Jokes may merit laughter because of their aesthetic properties. They may be well constructed, surprising, or insightful while also being wicked. Further, their wickedness may actually mean they are more deserving of laughter. Therefore, ethical flaws are not necessarily aesthetic

9 Gaut, "The Ethical Criticism of Art," 182.

10 Daniel Jacobson, "In Praise of Immoral Art" *Philosophical Topics* 25, no. 1 (1997): 155-99; 170.

11 Gaut "The Ethical Criticism of Art," 196. See also Gaut, "Just Joking," for an extended application of ethicism to humor.

flaws.[12] Noel Carroll's moderate moralism softens Gaut's claim by asserting only that ethical flaws (or virtues) *may* be aesthetic ones. For example, a film may ask us to identify with a protagonist who is a murderer, which may be difficult since we resist taking up an immoral perspective. Even a well-constructed joke is hard to laugh at when the audience finds it difficult to take up the joke's implied attitude. Schumer's joke solicits the audience to entertain a morally offensive belief or attitude. Members of the audience may find that difficult to do, since they resist imagining themselves having the perspective of Schumer's entitled, terrible persona, even as they know it is a joke.[13]

The Analogous Relationship Between Moral Judgments of Character and Aesthetic Judgments of Jokes

With this brief sketch of the aesthetics-morality debate in hand, let us shift from the issue of the relationship between moral and aesthetic judgments of jokes to that between moral judgments of comedians and aesthetic judgments of their comedy. If we adopt a moralist approach to stand-up, then the moral goodness of comedians is a necessary condition of their comedy being funny. This claim is clearly false. While we may admire people of good

12 Gaut concedes that immoral jokes may still be funny but holds that they would necessarily be funnier if they were not. Unfortunately, space does not permit me to delve into this lively debate here. For a good introduction to immoralism, the position that immorality may enhance the aesthetic value of jokes and other art forms, see Jacobson "In Praise of Immoral Art;" Justin D'Arms and Daniel Jacobson, "The Moralistic Fallacy: On the 'Appropriateness' of Emotions," *Philosophy and Phenomenological Research*, 61, no. 1 (2000): 65-90; and A. W. Eaton, "Robust Immoralism," *Journal of Aesthetics and Art Criticism*, 70, no. 3 (2012): 281-92. The first two texts, in particular, criticize Gaut's notion of merited response.

13 Noel Carroll, "Moderate Moralism," *British Journal of Aesthetics* 36, no. 3 (1996): 223-38. See also Noel Carroll, "Moderate Moralism Versus Moderate Autonomism," *British Journal of Aesthetics* 38, no. 4 (1998): 419-24; and James C. Anderson and Jeffrey Dean, "Moderate Autonomism," *British Journal of Aesthetics* 38, no. 2 (1998): 150-66. For more on audience resistance, see Tamar Gendler, "The Puzzle of Imaginative Resistance," *Journal of Philosophy* 97, no. 2 (2000): 55-81; and Kendall Walton, "Morals in Fiction and Fictional Morality," *Proceedings of the Aristotelian Society* 68 (1994): 27-66.

character, they are not necessarily funnier, and morally terrible people may be very funny, as Cosby's example shows.

Because of the weakness of the moralist claim, it is tempting to follow the autonomist's advice to evaluate the art on its own terms. From that perspective, we may morally judge comedians, but that is distinct from aesthetically judging their comedy. Consider Cosby's humor. While there is an irreducible element of personal taste in aesthetic judgment, and popularity is no guarantee of aesthetic value, the immensity of Cosby's success is based largely on the decades-long and globe-spanning judgment that he is funny. And this fact is not based solely on the judgments of lay audiences. As recently as 2013, *Himself* was named the greatest stand-up concert movie of all time, with comedy legends like Larry Wilmore, Jerry Seinfeld, Sarah Silverman, Ray Romano, Hannibal Buress, and many others testifying to its greatness.[14] His skill at storytelling is unmatched. His jokes and humorous stories are engaging and surprising, revealing little truths about family life and the human condition. According to the autonomist, Cosby's comedy stands on its own and should be evaluated as such. Those who are unable to enjoy his humor the way they did before are then suffering from an unnecessary, self-inflicted wound. If they would only refrain from inappropriately tying moral judgments of his character to aesthetic judgments of the work, then they would be able to continue to appreciate Cosby's humor for what it is.

If this process were simple, the public would not feel so betrayed or agonize over why it seems so difficult to continue to enjoy his humor. Gaut's ethicism and Carroll's moderate moralism provide a clue to why we either ought not or simply do not isolate comedians from their comedy. Moral flaws do (or may) constitute aesthetic flaws because morally flawed artworks require taking up an unmerited or emotionally difficult standpoint. Insofar as artworks are supposed to engage the audience and insofar as they cannot because of their ethical flaws, they fail as artworks. If we extend this to the relation between artists and their art, we can say that stand-up comedy asks the audience to take up comedians' point of view. Comedians are the protagonists (or antiheroes) of their story. Just as audiences imaginatively resist taking up the perspective of a fictional villain, they also resist identifying with immoral comedians, perhaps even more so because we cannot easily

14 Nathan Penn, "The 30th Anniversary of *Bill Cosby: Himself*—An All-Star Stand-Up Salute" *GQ*, May 22, 2013.

tell ourselves that their stories are not true (even as we know that comedians' personae are at least an exaggeration). As the art of stand-up relies on the comedian's establishing intimacy with the audience and on his or her claims to be expressing his or her authentic perspective, if this intimacy is unmerited or emotionally difficult, it will be hard for the audience to laugh.

In addition to resisting identification with comedians we regard as immoral, we also resist the attempt on the part of immoral comedians to establish an intimate relationship between themselves and us. It is difficult to spend time with people we know to be morally repellant. We do not want to be with them, laughing with them as they share a story about their lives or their worldview. We do not want to be friends with them, even under the unusual conditions of a comedy club or while listening to an album in which we imaginatively insert ourselves into the audience, even as we have to admit that the person presented onstage is at least somewhat a persona. As Constance Grady observes in her analysis of art by unethical artists, "The issue here is not just 'Is this artist monstrous?' but 'Is this work of art asking me as a reader to be complicit with the artist's monstrosity?'"[15]

An Answer to the Aesthetic Question: Louis C.K.'s Comedy of Depravity Versus Cosby's Wholesome Comedy

It is now possible to propose an answer to the aesthetic question of whether it is reasonable to find immoral people's stand-up comedy less funny. My answer is that it is. The degree to which comedians and their immorality are present in their comedy and the moral sensitivity of the audience determine the extent to which comedians' immorality can reasonably impair the funniness of their comedy.

Some comedians are raw and confessional, while others recede behind their jokes. Louis C.K. is an example of the former while Cosby is an example of the latter. By contrasting them, we can see how comedians' connection to their humor may reasonably influence our judgment of their comedy. Until recently, Louis C.K. was widely praised both within the comedy community and without as one of the best comedians in the world. Though he had a few detractors, he

15 Constance Grady, "What Do We Do When the Art We Love Was Created by a Monster?," *Vox.com*, October 11, 2018.vox.com/culture/2018/10/11/17933686/me-too-separating-artist-art-johnny-depp-woody-allen-louis-C.K.

was generally praised for both the rawness and authenticity of his comedy and his seeming progressivism. His comedy spoke to the darker impulses of parents and of men generally and to people's unearned sense of entitlement and lack of appreciation. He would criticize his own sexual depravity and excessive masturbation while acknowledging the danger men posed to women.

This praise faded when years-long rumors of sexual misconduct within the comedy community finally became accusations. C.K. masturbated in front of female comedians who felt unable to resist because of his fame or fear of physical harm. Many who tried to speak out later were either dismissed or received explicit or implicit threats to their careers. After years of denying these charges, and once five women came forward to accuse C.K., he confessed and apologized (though his apology left many cold). He lost a number of lucrative deals in Hollywood, but he has not been charged with any crime, and some are already predicting his return to fame. Though his actions are not as vile as Cosby's, they are still immoral and bear a certain resemblance to Cosby's because of their sexual nature and how they went unchallenged due to his gendered power in the entertainment industry. In the wake of the accusations and confession, there was a popular discussion of the broader context of the so-called boy's club in the comedy world and how structural sexism threatens comics, denies them opportunities, and drives them out of the business.[16] Most important for our purposes is that, as with Cosby, there was a debate over the sense of betrayal felt by those who previously admired C.K. and enjoyed his comedy.

With a biting tweet, comedy writer Jen Statsky mocked those who would easily set these concerns aside: "You have to separate the (sexual abuser)

16 Among the best are Emily Nussbaum, "Reacting to the Louis C.K. Revelations," *New Yorker*, November 9, 2017, newyorker.com/culture/cultural-comment/reacting-to-the-louis-C.K.-revelations; Guy Branum, "Tear Down the Boys' Club That Protected Louis C.K.," *Vulture.com*, November 10, 2017, vulture.com/2017/11/tear-down-the-boys-club-that-protected-louis-C.K.html; Laurie Kilmartin, "Being a Female Comedian in Louis C.K.'s World," *New York Times*, November 10, 2017, nytimes.com/2017/11/10/opinion/sunday/louis-C.K.-harassment.html; Megan Koester, "I Tried to Break the Louis C.K. Story and It Nearly Killed My Career," *Vice.com*, November 10, 2017, vice.com/en_us/article/gyjkq9/i-tried-to-break-the-louis-C.K.-story-and-it-nearly-killed-my-career; and Lindy West, "Why Men Aren't Funny," *New York Times*, November 14, 2017,.nytimes.com/2017/11/14/opinion/louis-C.K.-not-funny-harassment.html.

artist from the art (he made about being a sexual abuser)."[17] This comment speaks to the central problem we confront when we try to appreciate C.K.'s humor in the wake of his actions: C.K. and his immoral acts are at the forefront of his stand-up comedy. In his stand-up albums and on his program *Louie*, C.K. presents a semiautobiographical account of a weak man wracked by frailty and sexual compulsion, including compulsive masturbation, but who is nevertheless a good father and a decent man trying his best. This conflicted persona is the very subject matter of the show, allowing C.K.'s humor to enter some dark places. Consider two bits that received attention after the accusation. One is a scene from *Louie*, in which his character "Louie" makes a pathetic, aggressive attempt to have sex with his best friend and unrequited love interest. She fights him off and mocks him by saying "This would be rape if you weren't so stupid. You can't even rape well." She reluctantly kisses him after he blocks her exit, and they eventually begin a relationship. At the time, this scene was praised as darkly humorous and an insightful presentation of pathetic sexual entitlement. The other is a routine in his stand-up special *Oh My God* (2013). Here, he calls women brave for dating men, pointing out that men are historically the worst thing to happen to women.

Given how his humor so often addressed white male privilege and misogyny, revelations of his actions left many feeling betrayed. One of those people, Emma Healey, notes those who found his comedy funny did so on the assumption that

> it's scaffolded by a moral conscience. If the structural integrity of the whole thing starts to give way, then suddenly your favorite comedian might not be your favorite comedian anymore. If these rumors were true, they would suck the life out of a lot of his best jokes because their humor depends on not ending with a crime. A bit about how men are the number one threat to women doesn't land quite the same way if the man doing it is guilty of sexual assault.[18]

17 Jen Statsky, Twitter.com, November 10, 2017, 14:49.

18 Emma Healey, "Truth in Jest," *Hazlitt*, September 6, 2017 hazlitt.net/feature/truth-jest. For other similar, insightful discussions of this topic see Matt Zoller Seitz, "Louis C.K. Is Done," *Vulture.com*, November 9, 2017, vulture.com/2017/11/louis-C.K.-is-done.html; and Jesse David Fox "Truth in Comedy after Louis C.K." *Vulture.com*, November 10, 2017, slate.com/culture/2017/11/how-the-louis-c-k-allegations-will-change-comedy.html. Also, Kathryn VanArendonk argues in "Why Some Artists

The ethical flaws of the comedian constitute aesthetic flaws in C.K.'s comedy, a circumstance that is analogous to Gaut's and Carroll's cases of satire and art that ask the audience to take up the alienating perspective of a wicked protagonist. This is so because his comedy insists that we adopt a moral point of view about the things he (or his very close persona) has done. Audience members could accept the darkness of the humor and overcome their imaginative resistance to it because of their faith in the person making the jokes. C.K. had been granted special license. The confessional nature of his comedy, in which he presents himself as a sad victim, makes his genuine confession sting even more, revealing it as only performed ethical reflection and self-awareness. Many have even speculated in the wake of his guilt that C.K. used his work as a way to control the narrative and preemptively deflect criticism, though it is difficult to know if this speculation is correct, and I am inclined to find him morally weak rather than sinister. However, if this speculation is correct, and Cosby and C.K. intentionally used their comedy to deflect awareness and criticism of their immorality, then that would deepen the audience's sense of betrayal and make it even more difficult to enjoy their humor. To the extent that C.K. and his immorality are present in his comedy, an audience would reasonably find him less funny. As with satire, C.K.'s work requires that audience members engage in moral reflection on the topic of sexual aggression, but now they know that C.K. has engaged in sexually aggressive behavior.

While there are close connections between C.K.'s comedy and his immorality, it is very difficult to see any overlap between Cosby's family-friendly comedy and his horrific crimes. Cosby makes for such a difficult case because his humor has been so anodyne and morally upright. Cosby was widely known as America's dad because of his humor's focus on his (real or imagined) family and because of his social position as a moral authority. His work focused on the tensions between fathers, their children, and their wives and, in his earlier albums, on the tensions between himself as a rambunctious kid and his domineering mother and alternately goofy and terrifying father. Though it contained a moral core, Cosby's comedy was largely isolated from broader social forces and institutional structures. Instead, it was

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are Never Separated from Their Work (and Why Louis C.K. Was)," *Vulture.com*, November 14, 2017, vulture.com/2017/11/louis-c-k-and-separating-artists-from-their-work.html) that it would be wrong to separate C.K. from his comedy because to do so would be to reinforce structural inequalities.

about personal uplift through education and diligence. His presentation of race, though progressive and inspiring, was not confrontational to his white audience. In short, his humor was ecumenical in its faith—vaguely positive and universally appealing.[19] There is almost nothing in his stand-up that, like C.K.'s, mines our darkest recesses to reveal our shared (in)humanity.

A possible exception is his routine from his 1969 album *It's True! It's True!* on Spanish fly, the mythological drug that inflames women's sexual desire to uncontrollable levels. In it, he describes his childhood attempt to get his hands on this wonder drug. Given what we now know about Cosby's history of drugged sexual assault, it is difficult to find it funny. However, the humor of the bit arises from his naiveté. He postulates that there is a two-thousand-year-old man who looks like a kid that travels the world and deceives gullible boys, and, as proof, he tells a story of how after he arrived in Spain, the cab driver asked him if Cosby could get him any of the fabled American fly. The target of the joke is men who have fallen for the very idea of Spanish fly, not women who can be exploited. Those looking to find something sinister might be better off listening to the first track of that album, "It's the Women's Fault," which appeals to the worn trope of men being hounds and women being teases. In Cosby's telling, men are perpetually aroused, stupid animals constantly led on by women who then just push them away. By using this trope, Cosby frees men from the responsibility for sexual desire and places it on conflicted women. While such a framework is consistent with the mindset of someone who would incapacitate and assault women, it is also a widely used hack premise, particularly during the time when Cosby was releasing these albums. I do not believe it is the Rosetta stone exposing Cosby's immoral character.[20] Imagine that this relatively unknown anomaly did not exist and we are left only with the wholesome humor that used to be synonymous with Cosby's name. There is no offensive attitude to endorse, unless you are dedicated to being a killjoy who holds strong opinions about

19 Bambi Haggins, *Laughing Mad: The Black Comic Persona in Post-Soul America* (New Brunswick, NJ: Rutgers University Press, 2007), 24-26.

20 For other examples of Cosby's arguably creepy humor beyond his stand-up, see Harmon Leon, "Bill Cosby Expected 'Something in Return' from Women in Bizarre 70s TV Skit," *Vice.com*. April 27, 2018, vice.com/en_us/article/gym777/bill-cosby-expected-something-in-return-from-women-in-bizarre-70s-tv-skit.

children not eating chocolate cake at breakfast. And yet it is still difficult to laugh when we know that the person behind the joke is evil.

The distance between Cosby's humor and his immorality makes his case philosophically difficult and interesting. While one may recoil at C.K.'s humor because of the realization that what he says is far more serious than we thought, there is little revelation of Cosby in his humor. The audience's supposed intimacy with the comedian is betrayed by the revelation of his immorality, but there are few compelling signs of Cosby's nature in the stand-up comedy itself. If someone were blissfully unaware of Cosby's crimes, as virtually everyone was prior to a few years ago, they would have no reason to believe that the jokes came from an evil person. The lack of humor that one might experience with the knowledge of his crimes is not a result of the jokes' expression of an immoral perspective that the audience might imaginatively resist. Rather, the audience's imaginative resistance comes from resisting the comedian's perspective even if that perspective is not present in his work. We do not want to be the authentic Bill Cosby, nor do we want to share our company with him, but given the great distance between the person and his persona, it may be possible to enjoy "Bill Cosby's" stand-up comedy.

If funniness is tied to the predictable reactions of reasonable audiences, and if audiences predictably and reasonably resist immoral people's jokes, then jokes told by immoral comedians are less funny. Admittedly, that first "if" is a substantial one. One could counter that funniness is determined independently of the reaction of the audience, but that argument is hard to make. "Funny" is, in part, a response-dependent property. One need not accept a purely tendential definition of humor—"funny" is defined simply by whatever tends to make people laugh—to accept that audiences define what is funny, at least in part. Even most comedians, who may not want to kill their darlings, concede that the audience gets the final vote. There is not a sharp separation between finding something funny (among reasonable audience members under normal conditions) and it being funny.

If this analysis holds, then it will be harder to find C.K. funny than Cosby—that is, all other things being equal. However, an audience's aesthetic judgment will vary depending on both the connection between comedians and their comedy and the audience members' moral sensitivity. Audience members' ability to separate their moral objections to comedians from their judgments of how funny they are will vary according to their

individual experiences. Some people have darker temperaments and senses of humor and so can laugh in the presence of life's horrors more easily than others. A topic that pulls one person out of a joke will greatly amuse another. So too for the immorality of comedians. One person may find that both Cosby's and C.K.'s humor are ruined, a second may reject C.K.'s humor but find that she can enjoy Cosby's humor because Cosby is sufficiently distant from it, and a third could still laugh at both while acknowledging their immorality.

Is It Morally Wrong to Enjoy the Work of Immoral Comedians?

I have argued that it is reasonable for an audience to find an immoral comedian less funny. But to say that an audience may find such a comedian less funny and even that it is reasonable to do so is not to argue that an audience has an obligation to do so. As noted, someone may listen to Cosby's or C.K.'s albums and conclude that these comedians are deplorable but that they are going to set aside their moral objections to the comedian's character for the moment and enjoy the jokes. Is this wrong? Do all audiences have a moral obligation not to find immoral people's comedy funny, even if they do? Do we have an obligation to think of Cosby's victims in such a way that would prevent us from finding *Himself* funny? Or, put yet another way, do we always have an obligation to cultivate our moral sensitivity to the extent that aesthetic appreciation is lost?

Before answering those questions, let us consider two easier cases. The first is that of buying an immoral comedian's album or a ticket to his or her show. In this case, it is easier to say that we are complicit in wrongdoing and have a clear obligation to refrain. Much of Cosby's and C.K.'s ability to violate women flowed from their fame and wealth. The victims' compliance and silence after the fact resulted from their fear of being ostracized, of losing career opportunities, of being disbelieved if they sought justice against the much more famous and respected man, not to mention their fear of physical harm if they resisted in the moment. By giving bad people our money, we contribute to that fame and wealth and support their power to harm others. We could rationalize the purchase by saying that the profit from our ticket is not critical. Both comedians are millionaires and, surely, they are not one ticket away from having the resources to be immoral. But there is a second reason not to buy it. If we buy a ticket to Cosby's or C.K.'s show, then we are benefiting a bad person, and our consciences may not want us to make deplorable people better off—not because we have given them the means to do harm but simply because it seems wrong to allow good things to happen

to bad people. They should not be rewarded for living a vicious life. Justice demands that, at the least, we shouldn't go out of our way to support them, even if it makes no practical difference in their ability to abuse others. We have a prima facie duty not to aid or reward those who do wrong.

The second is the case of when and under what circumstances it is acceptable to find an immoral comedian funny. Laughing at or praising Cosby's comedy in the presence of those who have been assaulted or those whose loved ones have may cause them psychological harm, assuming they know of his crimes. It may be perceived as endorsing the comedian's actions. *Paste* magazine excluded Cosby from its list of all-time great stand-ups because the editors believed that "to include him would have felt like a slap in the face to the women who have bravely stood up and made their names and faces and experiences, known to the world. To praise him while he was on trial for these crimes would have felt nothing short of gratuitous."[21] As we have a general moral obligation not to cause unwarranted harm, publicly signaling to certain people that we find Cosby or C.K. funny would be prima facie wrong.

However, the present question is not whether we have a moral obligation to refrain from rewarding immoral comedians for their comedy or whether we should laugh in front of the wrong people, but whether we are under a moral obligation to refrain from finding their otherwise-funny stand-up comedy *funny*. If we receive a free ticket or steal one, not only not giving them our money but preventing another from doing so, is it morally permissible to go and enjoy the show? If we already own the stand-up album or received it for free, is it morally permissible to listen to it with earbuds in and laugh?

In general, we have an obligation to cultivate our sympathy. However, there is no general, compelling moral obligation to cultivate moral sensibilities regarding the extraneous immoral acts of comedians to the point that we would not laugh at their work. Within a virtue model, it is vicious to take pleasure in the wrong things—in this case, arguably, stand-up comedy from immoral people. Within philosophical aesthetics, there is a heated and unresolved debate over whether enjoying offensive humor necessarily requires the endorsement of offensive beliefs and attitudes and therefore whether enjoying offensive humor reveals and reinforces a bad character.[22] Wherever one stands on that debate, the

21 Ham, "How to Approach Bill Cosby's Comedy Legacy."

22 The center of this debate is Ronald De Sousa, "When Is It Wrong to Laugh?," in *The Philosophy of Laughter and Humor*, ed. John Morreall (Albany: State University Press of New York, 1987), 226-49.

enjoyment in the present case does not arise from something that is itself wrong but from something aesthetically and morally good created by someone who is morally bad. Enjoying Cosby's stories about feeding his children chocolate cake does not involve taking enjoyment in horrific acts or endorsing them. There is no good reason to believe that laughing at *Himself* corrupts listeners' character or weakens their moral sympathies. Therefore, we would not have a prima facie obligation to refrain from being amused.

Further, even if it were the case that it is prima facie immoral to enjoy stand-up comedy by immoral people, it is not clear that this obligation always overrides other interests. Ethical concerns do not always outweigh aesthetic ones. While there are certainly many cases where moral concerns outweigh aesthetic ones, very likely the great majority of cases, a prima facie duty is not dispositive. Perhaps ideally, we would all always do what virtue demands, but few people are moral heroes, and yet they are not condemned for it when no direct harm comes to others. It may be admirable to do what virtue demands, but to *always* forsake pleasure or amusement for ethical ends is not demanded of anyone other than saints. Such a demand is supererogatory—that is, it goes above and beyond our moral duties. Virtually all aesthetic appreciation takes away time and resources that could be used more virtuously. Any time spent at a museum or comedy club or spent engaging in philosophical aesthetics by reading academic journals about humor is not spent helping those in need. Nevertheless, aesthetic appreciation is itself valuable. It is good to laugh. If there is no clear harm to good people or clear benefit to the bad ones and if there is no significant harm to the moral character of the person laughing, then it would not seem that we are obliged not to enjoy humor just because of the wickedness of the comedian. While it is reasonable to conclude that Bill Cosby is no longer funny, all other things being equal, there is not a compelling moral obligation to stop laughing.

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